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 California, ex rel. Maureen F. Gorsen, Director,
 Department of Toxic Substances Control

ENDORSED FILED
SAN MATEO COUNTY

APR 8 2007

Clerk of the Superior Court
 By A. De Leon
 DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF SAN MATEO

**PEOPLE OF THE STATE OF CALIFORNIA, ex
 rel. Maureen F. Gorsen, Director, Department of
 Toxic Substances Control,**

Plaintiff,

v.

**PRECISION WORKS, INC. and DOES 1 through
 100,**

Defendant.

CN 461975

CASE NO.

**CIVIL COMPLAINT FOR
 CIVIL PENALTIES**

(Health & Saf. Code, §§ 25189 &
 25189.2)

The People of the State of California, ex rel. Maureen F. Gorsen, Director, Department of
 Toxic Substances Control ("DTSC" or Plaintiff), allege as follows:

STATEMENT OF THE CASE

1. DTSC seeks civil penalties and injunctive relief against defendant Precision Works,
 Inc. (PWI) pursuant to California Health and Safety Code sections 25189 and 25189.2 and 25181
 and 25184 for violations of the Hazardous Waste Control Law ("HWCL") (Health & Saf. Code,

1 § 25100 et seq.), which governs hazardous waste storage, transportation, treatment, and disposal.

2 PLAINTIFFS

3 2. DTSC is a public agency of the State of California organized and existing under and
4 pursuant to section 58000 et seq. of the Health and Safety Code. DTSC is the state agency
5 responsible for the administration of the HWCL.

6 3. Maureen F. Gorsen is the Director of DTSC.

7 4. Pursuant to Health and Safety Code sections 25181 and 25182, the Attorney General of
8 the State of California is authorized, at the request of DTSC, to commence an action in the name
9 of the People for civil penalties under the HWCL.

10 DEFENDANTS

11 5. PWI is, and at all relevant times was, a corporation organized under the laws of the
12 State of California and is authorized to do business, and is doing business, in California.

13 6. Plaintiff is unaware of the true names or capacities, whether individual, association,
14 partnership, corporation, or otherwise of defendants Does 1 through 30, or any of them, and
15 therefore sues said defendants by such fictitious names and will seek leave to amend this
16 complaint to show their true names and capacities, when ascertained.

17 7. Each defendant is a "person" within the meaning of Health and Safety Code section
18 25118.

19 JURISDICTION AND VENUE

20 8. This court has jurisdiction of this matter pursuant to article VI, section 10, of the
21 California Constitution.

22 9. At all times relevant herein, PWI generated, handled, transported, and/or stored
23 hazardous waste at the following site: 111 Willow Street, Redwood City, California 94063
24 (Site).

25 10. Venue is proper in San Mateo County under Health and Safety Code section 25183
26 because San Mateo County is the county in which the processing or disposal of hazardous waste
27 was made or proposed to be made.

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1 14. Section 25184 of the California Health and Safety Code provides that in any civil
2 action brought pursuant to the HWCL in which a temporary restraining order, preliminary
3 injunction, or permanent injunction is sought, it shall not be necessary to allege or prove at any
4 stage of the proceeding that irreparable damage will occur should the temporary restraining order,
5 preliminary injunction, or permanent injunction not be issued; or that the remedy at law is
6 inadequate, and the temporary restraining order, preliminary injunction, or permanent injunction
7 shall issue without such allegations and without such proof.

8 GENERAL ALLEGATIONS

9 15. At all times relevant herein, PWI collected, stored, and transported substances that are
10 regulated as hazardous wastes under the HWCL, including, but not limited to, asbestos waste and
11 lead waste.

12 16. The Site is a "hazardous waste facility" as defined in Health and Safety Code section
13 25117.1.

14 17. PWI is the owner and operator of the hazardous waste facility located at the Site.

15 FIRST CAUSE OF ACTION

16 (Transportation of Hazardous Wastes Without a Valid Registration Issued by the Department -
17 Health & Safe. Code § 25163, subdivision (a)(1))

18 18. Plaintiffs incorporate the allegations of the preceding paragraphs as though fully set
19 forth herein.

20 19. From August 1, 2002 through March 4, 2003, PWI transported hazardous wastes
21 without a current and valid transporter registration issued by the Department.

22 20. From August 1, 2002 through January 19, 2003 PWI transported hazardous waste
23 without the insurance required for a transporter registration.

24 21. Pursuant to Health and Safety Code section 25189, subdivision (b), and section
25 25189.2, subdivision (b), DTSC is entitled to penalties for said violations of up to \$25,000 for
26 each day during which each violation occurred or continued.

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1 FOURTH CAUSE OF ACTION

2 (Changing Facility Location Without Notifying the Department - Cal.Code Regs. tit 22, §
3 66263.15, subd. (a)(1))

4 28. Plaintiffs incorporate the allegations of the preceding paragraphs as though fully set
5 forth herein.

6 29. Prior to March 11, 2003 PWI changed its business location from 421 Burlington Ave.,
7 Redwood City, California to 111 Willow Street, Redwood City, California, without notification
8 to the Department.

9 30. Pursuant to Health and Safety Code section 25189, subdivision (b), and section
10 25189.2, subdivision (b), DTSC is entitled to penalties for said violations of up to \$25,000 for
11 each day during which each violation occurred or continued.

12 FIFTH CAUSE OF ACTION

13 (Receiving Hazardous Waste without a Manifest; Falsifying a Hazardous Waste Manifest -
14 Health & Saf. Code § 25189.2, subd. (a) and Cal.Code Regs., tit. 22, § 66263.20, subds. (a), (b),
and (d))

15 31. Plaintiffs incorporate the allegations of the preceding paragraphs as though fully set
16 forth herein.

17 32. Prior to March 11, 2003, PWI received and transported one container of hazardous
18 waste solid lead from Palo Alto Unified School District (generator) to PWI's facility without a
19 hazardous waste manifest. On March 18, 2003, PWI generated a hazardous waste manifest
20 number 22066074 for this container representing falsely thereon that said container had been
21 received from the generator on March 18, 2003. Respondent then submitted said manifest to the
22 Department as true and correct.

23 33. Pursuant to Health and Safety Code section 25189, subdivision (b), and section
24 25189.2, subdivision (b), DTSC is entitled to penalties for said violations of up to \$25,000 for
25 each day during which each violation occurred or continued.

26 SIXTH CAUSE OF ACTION

27 (Illegal Storage of Hazardous Waste - Health & Saf. Code § 25201(a))

28 34. Plaintiffs incorporate the allegations of the preceding paragraphs as though fully set

1 forth herein.

2 35. From a date prior to March 11, 2003 to March 28, 2003, PWI illegally stored one
3 container of hazardous waste solid lead generated by Palo Alto Unified School District. PWI is
4 not an authorized storage facility.

5 36. Pursuant to Health and Safety Code section 25189, subdivision (b), and section
6 25189.2, subdivision (b), DTSC is entitled to penalties for said violations of up to \$25,000 for
7 each day during which each violation occurred or continued.

8 SEVENTH CAUSE OF ACTION

9 (Failing to Complete Verification Questionnaires - Health & Saf. Code § 25205.16, subd.(b))

10 37. Plaintiffs incorporate the allegations of the preceding paragraphs as though fully set
11 forth herein.

12 38. PWI failed to complete and submit Verification Questionnaires for the years 2002 and
13 2003.

14 39. Pursuant to Health and Safety Code section 25189, subdivision (b), and section
15 25189.2, subdivision (b), DTSC is entitled to penalties for said violations of up to \$25,000 for
16 each day during which each violation occurred or continued.

17 PRAYER FOR RELIEF

18 DTSC requests the Court to grant the following relief:

19 A. Enter judgment against the named defendants pursuant to the First through
20 Seventh Causes of Action requiring them to pay civil penalties to DTSC, in an amount according
21 to proof, but in no event in an amount less than \$72,732.00;

22 B. Enter temporary restraining orders, preliminary injunctions, or other orders
23 prohibiting non-compliance and requiring compliance with DTSC's rules, regulations, permits,
24 covenants, standards, requirements, and orders issued, promulgated and executed thereunder; and

25 C. Grant DTSC its costs of investigation in an amount according to proof, but in no
26 event in an amount less than \$18,918;

27 D. Grant DTSC its costs of suit herein; and
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E. Grant such other and further relief as the court deems just and proper.

Dated: 04/02/07

Respectfully submitted,
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Attorney General of the State of California
THEODORA BERGER
Senior Assistant Attorney General
KEN ALEX
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SUSAN S. FIERING, State Bar No. 121621
Deputy ~~Attorney~~ General

By: Original signed by Susan S. Fiering
SUSAN S. FIERING
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Attorneys for People of the State of California, ex rel.
Maureen F. Gorsen, Director, Department of Toxic
Substances Control